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ARIZONA ATTORNEY GENERAL
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February 8, 1951
Op. No. 51-48

Major General A. M. Tuthill
Adjutant General
State of Arizona, Military Department
747 West Van Buren Street
Phoenix, Arizona

Dear General Tuthill:

Reference is made to your letter of January 31 relative to the National Guard target range located south of Tucson.

You advise that this land, because of the use which is to be made of adjoining land, will no longer be desirable or suitable for a target range and therefore you will have no objection to the cancellation of your leases, which will permit the land to be taken over by the Land Department and re-leased for commercial purposes.

You further advise that the agent for a commercial concern has offered the National Guard \$4,000 as consideration for a transfer to this company of the rights held by the National Guard.

It is our opinion that the National Guard, having received this land for National Guard purposes, may not transfer their rights to any third person or corporation for commercial use. Such corporation would be required to obtain a lease from the Land Department whereby they would be granted the right to use the land for purely commercial purposes. In other words, the National Guard

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as a department of the state may use the land so long as it is needed for National Guard purposes, but when the land is no longer needed for such purposes, it must be returned to the state and may not be transferred to any third person.

Trusting this answers your inquiry, we are

Very truly yours,

FRED O. WILSON
Attorney General

PERRY M. LING
Chief Assistant
Attorney General

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